

Honorable Marsha J. Pechman

**UNITED STATES DISTRICT COURT,  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

HUONG HOANG, an individual,

Plaintiff,

vs.

AMAZON.COM, INC., a Delaware  
corporation, and IMDB.COM, INC., a  
Delaware corporation,

Defendants.

NO.11-cv-01709-MJP

**DECLARATION OF HUONG  
HOANG IN SUPPORT OF MOTION  
FOR SUMMARY JUDGMENT**

I, Huong Hoang, do declare and attest as follows on the basis of my personal knowledge:

1. I am a party in the above lawsuit, am over the age of eighteen years of age, and competent to testify to the matters stated herein.

2. Before IMDb published my actual age on IMDb.com, my career was taking off. The number of projects I was cast in increased dramatically after I moved from Texas to Los Angeles in 2007. My acting earnings also increased approximately 195% during my second year in Hollywood.

3. My youthful appearance, combined with my actual age, places me in an acting industry Catch-22. When a casting director knows my real age, I am either not called for an audition for a youthful role, or I don't get the part after I audition. When I audition for roles that are near my age, casting directors reject me for looking too young.

1           4.       Accordingly, I never tell anyone other than close friends and family my  
2 actual age. I work very hard to ensure that my age is not leaked or publicly known. For  
3 example, my personal website, resume, and professional correspondence never mention  
4 my age. I avoid joining any publicly-available groups, such as my high-school class  
5 webpage, as that would allow people to deduce my actual age.

6           5.       IMDb is routinely used by casting directors, producers, and directors as an  
7 information source prior to deciding which actors to call for an audition and in deciding  
8 how to cast a particular part after auditions are held. IMDb is so extensively used that  
9 some casting directors will only audition actors with a particular STARMeter rating.  
10 Attached as **Exhibit A** is a true and correct copy of a job listing I found while looking for  
11 auditions that requires a high STARMeter rating as a prerequisite to getting an audition.

12           6.       IMDb credits are so important that some acting jobs are offered (and  
13 accepted) on the basis of IMDb credits alone and no other pay. Attached as **Exhibit B-1**  
14 is a true and correct copy of a job requiring previous IMDb credits as a prerequisite for  
15 getting an audition. Attached as **Exhibit B-2** is a true and correct copy of a job listing  
16 providing “payment” for acting in the role by giving an IMDb credit.

17           7.       IMDb’s posts about actors are not uniform. Some profiles are more  
18 complete than others. Some include an actor’s purported age; others do not. And the  
19 amount of information displayed is not tied to an actor’s success or any other apparent  
20 measure. Attached as **Exhibit C-1** is a true and correct copy of actor Hilary Shepard’s  
21 IMDb profile. Attached as **Exhibit C-2** is a true and correct copy of actor Nectar Rose’s  
22 IMDb profile. Finally, attached as **Exhibit C-3** is a true and correct copy of actor  
23 Katerina Moutsatsou’s IMDb profile.

24           8.       Because IMDb is so widely used by casting professionals, an over-40  
25 actress whose age is known is at a disadvantage to an over-40 actress who has managed  
26 to keep her age from IMDb. For example, since IMDb disclosed by age, I have lost at  
27 least one role to an actor whose age is not posted on IMDb.

28           9.       IMDb’s relationship with users, including me, is governed by terms of

1 service, including a “Privacy Notice” detailing how IMDb manages personal information.  
2 Attached as **Exhibit D-1** is a true and correct copy of the IMDb Copyright and  
3 Conditions of Use governing my relationship with IMDb. Attached as **Exhibit D-2** is a  
4 true and correct copy of the IMDb Privacy Notice governing my relationship with IMDb.  
5 Attached as **Exhibit D-3** is a true and correct copy of the IMDb Pro Subscriber  
6 Agreement governing my relationship with IMDb. Attached as **Exhibit D-4** is a true and  
7 correct copy of the Sign-up Instructions which is substantially the same as the version I  
8 reviewed when signing up for IMDb Pro, except for the header and hand-written portions  
9 of the document. When I reviewed the IMDb Pro Subscriber Agreement around the time  
10 I became a subscriber, I clicked the link to IMDb’s Privacy Notice under paragraph 3,  
11 which brought me to a version of the IMDb Privacy Notice, which is attached as Exhibit  
12 D-2. I collectively refer to Exhibits D-1, D-2, D-3, and D-4 as the “Agreement” with  
13 IMDb and Amazon.

14 10. I knew information I placed on IMDb’s public database would be exposed  
15 to public view. For this reason, I initially did not provide a date of birth or age for my  
16 “Junie Hoang” profile.

17 11. Because IMDb Pro is a subscription service, users must input credit card  
18 data in order to use IMDb Pro.

19 12. During the IMDb Pro registration process, IMDb informed me that “IMDb  
20 knows that you care how information about you is used and shared, and we appreciate  
21 your trust that we will do so carefully and sensibly.” Trusting this guarantee, and  
22 believing in the Agreement’s plain language—that I could “choose not to share”  
23 information “that might go to third parties”—on June 15, 2004 I had input my credit card  
24 information, including my legal name.

25 13. Prior to providing this personal information, IMDb did not know nor did it  
26 display my actual date of birth or age.

27 14. In July 2004, I submitted information to my “Junie Hoang” IMDb profile,  
28 including a 1978 date of birth. Rethinking my decision to enter the 1978 date of birth,

1 between September 2007 and November 2008, I repeatedly asked IMDb to remove the  
2 incorrect date of birth. I wanted—and asked—IMDb to remove the date of birth from the  
3 “Junie Hoang” profile, so my age would be unknown. The following are true and correct  
4 copies of the numerous correspondences I exchanged with IMDb:

- 5 a. **Exhibit E-1**— an email I sent to the IMDb Help Desk on January 1,  
6 2008 requesting that the birth date be removed from my “Junie Hoang”  
7 IMDb profile;
- 8 b. **Exhibit E-2**— an email I sent to the IMDb Help Desk on April 20, 2008  
9 regarding my redacted birth certificate;
- 10 c. **Exhibit E-3**— a letter I sent to IMDb on July 11, 2008 enclosing a copy  
11 of my redacted birth certificate;
- 12 d. **Exhibit E-4**— a letter sent from my attorney, Jalene M. Mack, to IMDb  
13 on July 11, 2008 regarding removing the birth date from my “Junie  
14 Hoang” IMDb profile;
- 15 e. **Exhibit E-5**— an email I sent to the IMDb Help Desk on September 15,  
16 2008 regarding removing the birth date from my “Junie Hoang” IMDb  
17 profile;
- 18 f. **Exhibit E-6**— an email I sent to the IMDb Help Desk on September 15,  
19 2008 regarding removing the birth date from my “Junie Hoang” IMDb  
20 profile;
- 21 g. **Exhibit E-7**— email I sent to the IMDb Help Desk on October 2, 2008  
22 regarding removing the birth date from my “Junie Hoang” IMDb  
23 profile;
- 24 h. **Exhibit E-8**— an email I sent to the IMDb Help Desk on October 2,  
25 2008 regarding removing the birth date from my “Junie Hoang” IMDb  
26 profile;
- 27 i. **Exhibit E-9**— an email I sent to the IMDb Help Desk on November 27,  
28 2008 regarding deleting my birth date on my “Junie Hoang” IMDb

profile;

j. **Exhibit E-10**— an email I sent to the IMDb Help Desk on November 29, 2008 regarding deleting my birth date on my “Junie Hoang” IMDb profile;

k. **Exhibit E-11**— a letter sent from my attorney, Jalene Mack, to IMDb on December 16, 2008 regarding removing my birth date from my “Junie Hoang” IMDb profile; and

l. **Exhibit E-12**— an email I sent to the IMDb Help Desk on February 28, 2009 regarding IMDb’s posting of my actual birth date without my consent.

Because IMDb told me that they would not remove the date of birth without sending in my passport, I had to send them my identification. To get IMDb to remove the 1978 year of birth, I provided my real birth certificate with my legal name and birth year redacted out. I redacted this information because I did not want to give IMDb any information that would reveal my actual birth year—I just wanted IMDb to remove the date of birth that was on the website.

15. In November 2008, IMDb replaced the date of birth displayed on my “Junie Hoang” profile with my real birth date, despite knowing that I did not want my personal information—specifically my date of birth—shared with anyone, let alone the entire Internet-viewing world. Once IMDb posted my actual date of birth, I submitted a novelty passport and novelty identification card with a 1979 date of birth, again trying to get IMDb to remove the date of birth.

16. The following is a chart of the number of projects I acted in between 2005 and 2011:

Year	Number of Projects
2005	14
2006	20
2007	14+
2008	16+

2009	8+
2010	7+
2011	7

The “+” mark next to some of the number indicates other very small projects I appeared in during that year, like commercials and internet projects. I use the same methods to garner roles now that I used before IMDb posted my age. Since 2008, the year IMDb posted my actual age, I have been cast in approximately half as many roles as I had been in the previous years.

17. I have suffered no career reverses other than IMDb’s disclosure of my age.

18. In addition to lost earnings from a curtailed acting career, the public disclosure of my age after I worked for years to keep it secret has caused me substantial emotional distress. I am seeing a therapist and suffer from daily anxiety and sleep loss.

19. Since IMDb publicly revealed my age, I have been involved with the Screen Actors Guild and the American Federation of Television and Radio Artists (SAG-AFTRA) and its fight to get IMDb to remove ages from actors’ profiles. SAG-AFTRA has repeatedly petitioned IMDb to stop enabling age discrimination by removing the date of birth from IMDb profiles upon request. Attached as **Exhibit F** is a true and correct copy of SAG-AFTRA’s press release deploring the age discrimination facilitated by IMDb’s disclosure of dates of birth.

20. I have joined SAG-AFTRA, the Writer’s Guild of America, the Director’s Guild of America, and over 5,000 people who have signed a petition asking IMDb.com to remove birthdates and ages from its database. Attached as **Exhibit G** is a true and correct copy of the petition, as well as a portion of the signatories and their comments.

21. Despite my complaints and public outcry, IMDb continues to collect—and post—private information about its users without their consent.

22. During the course of discovery in this case, I learned that IMDb used the website PrivateEye.com to conduct searches using my legal name. Attached as **Exhibit H** is a true and correct copy of the PrivateEye.com’s Terms of Use, which are found on the PrivateEye.com website.

23. Attached as **Exhibit I-1** is a true and correct copy of the sign-in page for IMDb Pro. Attached as **Exhibit I-2** is a true and correct copy of the STARmeter page for IMDb Pro.

24. I reviewed my records and compiled a list of the four bookings I secured through my agent, Joe Kolkowitz. The following chart reflects the year and the bookings I secured through Mr. Kolkowitz:

Year	Projects
2007	"Tropic Thunder"
2008	"America's Most Wanted" (1/23/08) "Wexley PC" (8/13/2008)
2009	"Neutrogena" (1/18-1/20/2009)
2010	--
2011	--
2012	--

25. At least one industry website, Casting Frontier, allows actors to enter their "appearing age of birth", as compared to their actual birth date. Attached as **Exhibit J** is a true and correct copy of the webpage of my Casting Frontier's account where I can edit my profile.

26. Amazon advertises extensively on IMDb's website. Searching for a performer on IMDb.com leads to advertising on Amazon.com to purchase movies featuring that performer. For example, if you search for "Jennifer Lawrence", you can select one of her latest movies "Hunger Games". From the "Hunger Games" page on IMDb, you can link directly to Amazon to either buy the movie or stream it. Attached as **Exhibit K** is a true and correct copy of the first page of the "Hunger Games" on IMDb, which includes Amazon.com advertisements.

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1 I certify and declare under the penalty of perjury under the laws of the United  
2 States that to my knowledge the foregoing is true and correct.

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4 Executed this 10<sup>th</sup> day of December, 2012 at Los Angeles, California.

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